

Appl. No. 10/032,082  
Amdt. Dated Nov. 26, 2003  
Reply to Office Action of August 26, 2003

### **REMARKS**

#### ***Claim Objections***

Applicants have amended claims 1, 13 and 20 in order to overcome the objections. Allowance thereof is respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. 102(e)***

Claims 1-3, 5, 9-11, 13, 14, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Shi et al (U.S. Patent Application Publication 2002/0085827). Applicants respectfully traverse Examiner as follows:

Examiner states Shi discloses a variable optic attenuator comprising a chassis 204, an attenuating device, a driving unit and a mount. Examiner also states the mount has a first and second primary bores, a passage and a first and second flat surfaces.

The variable optic attenuator of the present invention has a chassis, an attenuating device, a driving unit and a mount with a first and second primary bores, a passage and a first and second flat surfaces. **The passage intersects the first and second primary bores, and the first and second flat surfaces are located at the intersection of the passage with the first and second primary bores.** The mirrors are respectively located at the intersections of the passage and the two bores. The passage and the two bores are connected to form a communication path between the input and

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output fibers. The passage of Shi does not intersect with the first and second primary bores, and the first and second flat surfaces are not respectively located at a joint of the passage and the first and second primary bores. Therefore, Shi fails to disclose all limitations of the present invention. The present invention is novel in view of Shi, and claims 1-3, 5, 9-11, 13, 14, 16 and 18 should be allowable

Furthermore, Shi **teaches away from** the present invention. The variable optic attenuator of the present invention has the passage intersecting the first and second primary bores to avoid dirt contamination. **Shi fails to disclose such structure, and did not mention such problem.** One skilled in the art has no motivation to derive the present invention from Shi.

***Claim Rejections Under 35 U.S.C. 103(a)***

Claims 6, 8, 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shi et al.. Claims 4, 7, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shi et al. in view of Yamamura (US 3,631,372). Applicants respectfully traverse Examiner as follows:

Regarding claims 6, 8, 15, 17 and 19, claims 6 and 8 are directly depend on claim1, and claims 15, 17 and 19 are directly or indirectly depend on claim 9. therefore, claims 6, 8, 15, 17 and 19 should likewise be allowable.

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Regarding claims 4, 7, 12 and 20, the variable optic attenuator has a slider attached on the carrier on which the filter is mounted. The slider engages with a variable resistor to generate a feedback signal to control the movement of the carrier.

Shi discloses a variable optic attenuator. By moving a filter of the attenuator, user can obtain an attenuator with a desired optical attenuation. Yamamura discloses a variable resistor used in a television receiver. By the operation of the variable resistor, user can easily choose a desired channel. **The fields of the cited references are different.** One skilled in the art has no motivation to combine them to obtain the present invention.

Moreover, the optic attenuator of Shi fails to disclose detail structure of the present invention. The conductive slider 11 of Yamamura engages the variable resistor 12 to generate a feedback signal which transmits to a tuner through the shaft 33 (Col 4 lines 70-73). By the signal, the tuner chooses a desired channel. However, the variable optic attenuator of the present invention has a spring arm engaging the variable resistor to generate a feedback signal which transmits to the stepping motor. By the feedback signal, the stepping motor control the movement of the carrier on which the spring arm and the filter are attached. **One skilled in the art can not derive a carrier which produce a signal to control itself movement from a carrier which produce a signal to control other element movement.**

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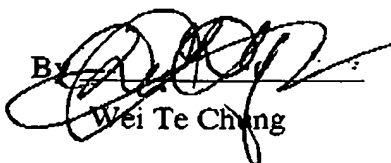
Furthermore, the apparatus of Yamamura has a shaft 19, a movable member 10 and a carrier 18. The shaft 19 rotates to bring the movable member 10 move on the variable resistor 12. The movement of the movable member 10 takes the carrier move. However, the variable optic attenuator of the present invention has a carrier 30 and a movable member 31. The carrier 30 brings the movable member 31 move on the variable resistor 57. The structure and the operation of the present invention is different with that of the cited references.

Additionally, claim 20 further defines the front end of each collimator being hidden in the mount. Oppositely, in Shi the front end of each collimator is essentially exposed outside of the substrate (202). Therefore, the instant invention provides more protection than Shi.

Accordingly, the present invention is not obvious in view of the cited references, and claims 4, 7, 12 and 20 should be allowable.

In view of the foregoing amendments and remarks, applicants respectfully submit that the claims are in condition for allowance, and requests that the application be passed to issuance.

Respectfully submitted,  
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Appl. No. 10/032,082  
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